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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,511	09/05/2000	Mitsuhiro Nomi	F-6636	7918

7590 07/11/2003
Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,511

Applicant(s)

NOMI ET AL. *als.*

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 August 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on June 23, 2003 in which applicant cancels claim 1, amends claims 2, 4, 6, 11, 15, 16, and 20, and responds to the claim rejections.
2. The finality of the rejection of the last Office action is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. (E.P. 0,903,169A2) in view of Kosugi et al. (U.S. 5,229,756).

The rejection as stated in Office Action, Paper No. 9 is retained and incorporated herein.

Response to Arguments

5. Applicant's remarks filed June 23, 2003 have been fully considered but they are not persuasive.
6. Regarding Claim 21, Applicant alleges Kosugi et al. (U.S. 5,229,756) lacks disclosing the claim limitation reciting, "said signal being indicative of a change in velocity of said signal generating device being moved by said game player, said change in velocity being measured relative to a reference point independent of the game player." However, claims 2 and 8 in Kosugi et al. are directed to an image control apparatus according to claim 1, wherein said movement detection means detects the velocity of said movement of said operator which is displayed on a display screen. See

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Figures 17-18. Additionally, after further consideration of applicant's specification and a closer reading of Kosugi, the examiner has concluded, regarding claim 21, that it is not possible to "measure the velocity of said signal generating device relative to a reference point independent of the game player." as claimed in the instant invention. Applicant's specification describes how the signal generating device (5) is held by the game player's hand(s) during the game. Acceleration sensor (31) detects the acceleration/velocity input by a player due to input of a swinging motion. Therefore, the velocity of the signal generating device is measured relative to a reference point dependant upon the game player, in particular, the player's hand(s) (p. 2, lines 1-10, p. 10, line 16-p. 11, line 5, p. 17, line 6-p. 18, line 7, p. 25, lines 1-10, p. 25, line 19-p. 26, line 4, p. 28, lines 4-8, and p. 29, lines 1-6).

Therefore, the rejection as stated in Office Action, Paper No. 9 is maintained.

7. Regarding Claims 16-20, and particularly independent claims 16, and 20, Kosugi et al. would simply provide an acceleration indication of zero, or display no arm movement on the screen when, "said at least one of said acceleration and said impact is sensed while the game player is in motion with said signal generating device and a relative position of the signal generating device to a part of the game player that retains the signal generating device remains substantially unchanged."

Therefore, for the reasons discussed hereinabove, the rejection as stated in Office Action, Paper No. 9 under 35 U.S.C. 103 is maintained.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eisenbrey et al. '105 discloses an acceleration activated joystick.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

July 3, 2003

